

REMARKS

Claims 8 and 11 stand rejected under 35 U.S.C. Section 102(b) as being anticipated by Behrenfeld (5,986,196).

Claims 8 and 11 require a patch having a resilient, pliable adhesive body and an integral flexible base. Applicant's specification shows the use of, for example, a foam core, at least partially saturated with a polyurethane mix 14, which polyurethane mix is resilient, pliable and adhesive to a drum head. Thus, when the drum head is beaten and vibrates, the resilient, pliable, adhesive mix will absorb some of the vibrations.

Behrenfeld discloses an impact pad 10 designed to protect the drum head from destruction as it is being struck. The impact pad is not flexible or adhesive, instead is made of a rigid, typically clear polycarbonate, such as Lexan®. A foam sheet may be disposed between a layer of adhesive and the adhering surface of the impact pad. None of the properties of the Behrenfeld foam sheet show adhesiveness, resilience or pliability. In fact, the foam sheet is not adhesive as it appears to need some form of adhesive to make it stick (see 22, Fig. 2A).

One could not substitute the Lexan® layer of Behrenfeld for Applicant's polyurethane mix – the properties differ. The polyurethane mix is resilient, pliable and adhesive and can absorb the vibrations of the drum head, particularly at higher frequencies. Lexan® is rigid. Lexan®, however, may be suitable for an impact pad, but is not suitable for a dampener.

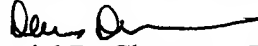
Fyfe (U.S. Patent No. 6,806,212) is cited under 35 U.S.C. § 102(a), as disclosing the steps of Claim 13. Fyfe relates to making buildings earthquake proof, rather than dampening sound. The Examiner has cited a sheet of base material in citing 27, Col. 4, line 23, in Fig. 1. However, it appears that Fyfe discloses a gel coating 26 (see Col. 5, line 3.) A gel coating does not have the qualities of a sheet, for example, Applicant's foam core base 12. The cited gel coating 26 is tacky.

Further, Applicant has amended Claim 13 to add the step of releasing the cured polyurethane mix base material from the flat surface. This is a step not disclosed by Fyfe and a step that Fyfe would inherently teach against. Fyfe discloses a coating and method of strengthening a structure to prevent the structure from falling apart in, for example, an earthquake or the like. Fyfe is sticky and attaches to whatever surface it is placed on, flat or otherwise (see Col. 4, lines 62-64). Fyfe is not releasable.

In view of the above, Applicant respectfully requests reconsideration.

Respectfully submitted,

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